



Fiscal Services Division

ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

July 14, 2015

Iowa Code section 17A.4(4) requires the Legislative Services Agency (LSA) to analyze the fiscal impact of all administrative rules with an impact of \$100,000 or more and provide a summary of the impact to the Administrative Rules Review Committee (ARRC). Fiscal Impact Statements filed by State agencies can be found on our website at <http://www.legis.iowa.gov/law/administrativeRules/arrc/fiscalImpact>

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Department of Human Services

ARC 2029C

Rule Summary Increases premiums for applicants and recipients under the Medicaid for Employed People with Disabilities (MEPD) Program with income that exceeds 150.0% of the Federal poverty level (FPL).

Agency Stated Authority: Iowa Code section 249A.4.

Fiscal Impact **Agency Response:** The higher MEPD premium collections will result in a savings to the State. Based on the December 2014 billing period, the new monthly premium amounts will result in additional premium collections of up to \$10,620 per month. This equates to annual savings of \$127,440. At the FY 2016 Medicaid match rates, of 55.07% federal 44.93% State, the State share of these savings would be \$57,259.

LSA Response: The LSA concurs. Increased revenues to the MEPD Program are used to offset the cost of care.

ARC 2027C

Rule Summary Makes the following changes:

- Increases the statewide average cost of nursing facility services to a private-pay person. The figure is being revised to reflect the increase in the cost of private-pay rates for nursing facility care in Iowa. The change is not related to rates paid by Medicaid for nursing facility care.
- Updates the average charges for nursing facilities, Psychiatric Medical Institutes for Children (PMICs), and Mental Health Institutes (MHIs), and the maximum Medicaid rate for Intermediate Care Facilities for individuals with Intellectual Disabilities (ICF/IDs), that are used to determine the disposition of the income of a Medical Assistance Income Trust (MAIT).

Agency Stated Authority: Iowa Code section 249A.4.

Fiscal Impact **Agency Response:** Minimal fiscal impact. Given the marginal nature of these changes, coupled with the level of income required in order to be impacted, any State fiscal impact is expected to be less than \$100,000 annually.

LSA Response: The LSA concurs.

Rule Summary Updates the reimbursement methodology for private Psychiatric Medical Institutions for Children (PMICs). Beginning July 1, 2014, private PMICs will be reimbursed according to the Iowa Plan for Behavioral Health contractor provider specific per diem rate without reconciliation. These amendments also maintain the cost reporting requirements for state-owned PMICs. These amendments also add a reference to Iowa Administrative Code (IAC) Chapter 85 and IAC Chapter 88 in order to include PMIC services under the Iowa Plan contract requirements.

ARC 2026C

Agency Stated Authority: Iowa Code section 249A.4.

Fiscal Impact **Agency Response:** No fiscal impact. The State pays Magellan, a managed care health care provider, a fixed per member per month capitation amount for PMIC services, and this amount will not change as a result of this reimbursement change. Magellan will be required to operate within the approved capitation rates, and therefore, no fiscal impact to the State is anticipated.

LSA Response: The LSA concurs.

Rule Summary Changes the current threshold for inpatient hospital readmissions combined into a single claim from 7 days to 30 days, effective July 1, 2015. As a function of the current rule language, the Iowa Medicaid program will combine claims for inpatient readmissions to the same hospital for the same conditions occurring within 30 days.

Emergency Rule

Agency Stated Authority: Iowa Code section 249A.4.

Fiscal Impact **Agency Response:** This change is anticipated to save the General Fund \$500,000 in FY 2016 and FY 2017. The change to a 30-day standard, the policy of the Medicare program, was incorporated into the Governor's budget as proposed to the Legislature and used by the Legislature in estimating the need to be met by the Medicaid budget.

LSA Response: The LSA concurs.

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Department of Administrative Services

Rule Summary Adopts amendments to several Iowa Administrative Code (IAC) chapters. The Department of Administrative Services is continuing to review administrative rules in accordance with Executive Order 71 by amending certain human resources rules to eliminate conflict with statute, aligning rules for the phased retirement program with changes to the Iowa Code, reflecting changes in federal law, and changing other items that reflect and clarify departmental practice.

ARC 2036C

Agency Stated Authority: Iowa Code section 8A.104(5).

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Fiscal Impact **Agency Response:** These administrative changes are not anticipated to have any fiscal impact.

LSA Response: The LSA concurs.

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Department of Agriculture and Land Stewardship

ARC 2041C

Rule Summary Clarifies that seed libraries are subject to permitting, but will not have to comply with requirements for labeling, testing, and fees.

Agency Stated Authority: Iowa Code section 199.15.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 2034C

Rule Summary Amends current rules to implement HF 634 (FY 2016 Department of Agriculture and Land Stewardship Departmental Act). This includes eliminating a 1985 date used to qualify horses and dogs for the Iowa Horse and Dog Program. Adopts the most recent manuals for dairy inspections.

Agency Stated Authority: Iowa Code section 159.5.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 2035C

Rule Summary Requires a grain elevator operator to take an operational shrink no greater than 0.5% on grain received on a monthly basis. Also removes other outdated language.

Agency Stated Authority: Iowa Code section 203.2.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 2042C

Rule Summary Adds two new definitions of purchased grain used for the assessment of fees paid into the Iowa Grain Depositors and Sellers Indemnity Fund.

- Grain entered in the company-owned paid position as a cancellation of a collateral warehouse receipt.
- Grain entered in the company-owned paid position as an intra-company location transfer.

Adds exemptions to payment of the participation fee for the grain dealer that provides satisfactory documentation to the Department. Exemptions include:

- Grain purchased from the United States government, subdivision, or agencies.
- Grain purchased from a person licensed as a grain dealer in any jurisdiction.
- Grain purchased under a credit-sale contract.
- Grain entered in the company-owned paid position as a cancellation of a collateral warehouse receipt.

- Grain entered in the company-owned paid position as an intra-company location transfer.

Agency Stated Authority: Iowa Code sections 203.2 and 203D.4. House File 634 (FY 2016 Department of Agriculture and Land Stewardship Department Act). Refer to sections 12 through 15.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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College Student Aid Commission

ARC 2037C

Rule Summary Provides a uniform policy for determining eligibility of applicants to receive funding under programs administered by the College Student Aid Commission by defining "Iowa resident."

Agency Stated Authority: Iowa Code section 261.3.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Department of Education

ARC 2021C

Rule Summary Clarifies the determination of residency and tuition rates for community college students, including veterans, and moves the State Board of Education's Uniform Policy on Residency Status into administrative rule. Clarifies the technical specialty component of diploma and certificate programs.

Agency Stated Authority: Iowa Code section 256.7(5).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Educational Examiners Board

ARC 2017C

Rule Summary Adopts the following amendments:

- Establishes a uniform license fee of \$85 unless otherwise stated.
- Reduces the teacher intern license fee from \$125 to \$85.
- Addresses an inconsistency between Chapter 12 and Chapter 20 regarding the deadline for submitting documents requested in a licensure application audit.
- Removes cross-references in Chapter 20 that will be rendered incorrect by the proposed changes to Chapter 12.
- Establishes a \$25 fee for adding an endorsement to a paraeducator certificate only. Currently, the rules State that the fee for adding all endorsements is \$50.

Agency Stated Authority: Iowa Code section 272.2(2)(2).

Fiscal Impact

Agency Response: The proposed amendments include a reduction in the fee for the teacher intern license. This will not significantly reduce board revenue because teacher intern applicants make up a very small percentage of the board's applicants. The proposed amendments also state that the fee for adding an endorsement to a paraeducator certificate is \$25. The board staff has been charging this fee rather than the \$50 for adding an endorsement to a teaching license, so the practice will not change.

LSA Response: The LSA concurs.

ARC 2016C**Rule Summary**

Amends the language of certain education licenses:

- The "Class A" license is renamed the "Class A extension" license.
- The "exception" under a Class B license is renamed the "executive director decision."
- The "Class E" license is renamed the "Emergency Extension" license.

The proposed rule adopts the following changes:

- Authorizes the executive director to allow holders of a substitute license to serve outside their authority in "unique circumstances."
- Decreases the duration of the international teacher exchange license from three years to one year unless the applicant can verify continued participation in the program past one year.
- Expands the authority of the "elementary school teacher librarian" endorsement from kindergarten through eighth grade to prekindergarten through eighth grade due to the upcoming sunset of the "teacher—elementary classroom" endorsement requirements on August 31, 2015.
- Removes cross-references that will be rendered incorrect by the proposed changes to language of certain licenses listed above, and removes additional redundant language.
- Adds the requirement for cultural competency for initial administrator license applicants that currently hold a professional service license.
- Allows out-of-state candidates for administrator licensure to submit an expired out-of-state administrator license if their out-of-state license is not current.

Agency Stated Authority: Iowa Code section 272.2(1)(a).

Fiscal Impact

Agency Response: The proposed changes will not require additional expenditures or affect board revenue.

LSA Response: The LSA concurs.

ARC 2015C**Rule Summary**

Alters the board's rules regarding career and technical licensure by creating a distinction between fully licensed teachers and those seeking authority to teach through experience by changing the title from "license" to "authorization." The changes will require that an applicant for the career and technical authorization have a job offer prior to obtaining the authorization. Additionally, the proposed changes define "recent" experience, revise the list of required coursework for career and technical applicants, and eliminate redundant career and technical endorsements.

Agency Stated Authority: Iowa Code section 272.2(1)(a).

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Fiscal Impact **Agency Response:** The adopted amendments will not require any additional state expenditures or impact revenue to the Board of Educational Examiners.

LSA Response: The LSA concurs.

ARC 2025C

Rule Summary Revises the current system of earning a renewal unit for serving as a cooperating teacher. Strikes current language related to renewal units for cooperating teachers and revises guidelines for earning units as approved by the board.

Agency Stated Authority: Iowa Code section 272.2(1)(a).

Fiscal Impact **Agency Response:** The proposed change will not require any state expenditures and will not impact revenue received by the Board of Educational Examiners.

LSA Response: The LSA concurs.

ARC 2024C

Rule Summary Permits the holder of an authorization issued by the Board of Educational Examiners to receive a one-year, nonrenewable extension of that authorization with the approval of the employer's superintendent or designee. This extension is available for those that had not completed all of the authorization renewal requirements due to unique or extenuating circumstances.

Agency Stated Authority: Iowa Code section 272.31.

Fiscal Impact **Agency Response:** The proposed new rule will not require any additional state expenditures. It will perhaps result in a negligible increase in board revenues, due to the small number of people paying the extension fee.

LSA Response: The LSA concurs.

ARC 2018C

Rule Summary Requires instructors of the behind-the-wheel authorization to hold a valid or expired initial, standard, exchange, or master educator license with endorsement 118 for driver and safety education to be eligible for behind-the-wheel authorization classroom instruction.

Agency Stated Authority: Iowa Code section 272.2(1)(a).

Fiscal Impact **Agency Response:** The proposed change will not require any additional expenditures or cause any significant change to board revenue.

LSA Response: The LSA concurs.

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Dental Board

ARC 2030C

Rule Summary Clarifies the definition of “general supervision of a dental assistant” and adds the use of a curing light and intraoral camera to the list of services that can be delegated to a dental assistant under general supervision.

Agency Stated Authority: Iowa Code sections 147.76 and 272C.2.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 2043C

Rule Summary Amends the General Requirements chapter to do the following:

- Clarifies that the removal of adhesives and the preliminary charting of existing dental restorations and teeth are permissible services a dental hygienist may perform under the supervision of a licensed dentist.
- Permits dental hygienists to perform expanded function procedures that may be delegated by a licensed dentist.
- Sets the education and training requirements for the procedures listed.
- Updates the name of the Bureau of Oral and Health Delivery Systems.

Agency Stated Authority: Iowa Code section 153.15.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 2028C

Rule Summary Clarifies general supervision requirements for dental assistants, adds to the list of permissible services a dental assistant may perform under general supervision, increases the number of expanded function procedures that may be delegated to registered dental assistants and sets the education and training requirements for those procedures, and permits registered dental assistants to work under public health supervision in certain settings.

Agency Stated Authority: Iowa Code sections 147.76 and 272C.2.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Economic Development Authority

ARC 2038C

Rule Summary Aligns the Community Development Block Grant (CDBG) rules with planning and programming requirements of the U.S. Department of Housing and Urban Development (HUD). Clarifies the CDBG rules, updates references, and consolidates all CDBG funded program requirements into one chapter. Eliminates the specified allocations of funds.

Agency Stated Authority: Iowa Code section 15.106A.

Fiscal Impact **Agency Response:** No fiscal impact to the State. The CDBG program is funded by the U.S. Department of HUD and the amendments do not involve a change to the amount of money the state spends.

LSA Response: The LSA concurs.

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Engineering and Land Surveying Examining Board

ARC 2022C

Rule Summary Amends Chapter 7 to expand the definition of professional development hours and how they will be credited toward specific programs. Also amends Chapter 9 to provide more detailed guidance to licensees on actions or omissions that could result in disciplinary actions.

Agency Stated Authority: Iowa Code section 542B.6.

Fiscal Impact **Agency Response:** No fiscal impact. No fees are being charged currently and no new fees will be imposed as a result of the adoption of these rules.

LSA Response: The LSA concurs.

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Iowa Public Information Board

ARC 2040C

Rule Summary Clarifies that members of the Iowa Public Information Board do not participate in attempts to resolve or settle a complaint. Confirms that upon acceptance of a complaint, the Board's staff, rather than its members, will be handling the complaint and remediation procedures.

Agency Stated Authority: Iowa Code section 23.6.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 2039C

Rule Summary Establishes and defines the terms "waiver" and "variance" for purposes of this chapter as action by the Iowa Public Information Board that suspends, in whole or in part, the requirements or provisions of a rule as applied to an individual on the basis of particular circumstance of the individual. Clarifies the criteria and content of submitting a waiver as well as the Board's filing and hearing procedures upon receipt of a waiver. Further clarifies when a waiver may be denied, canceled, or appealed.

Agency Stated Authority: Iowa Code section 23.6.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Labor Services Division

ARC 2023C

Rule Summary Adopts by reference new federal Occupational Safety and Health Administration (OSHA) standards for confined spaces in the construction industry.

Agency Stated Authority: Iowa Code section 88.5.

Fiscal Impact **Agency Response:** Fiscal impact cannot be determined. The federal OSHA published a detailed economic analysis in the May 4, 2015, Federal Register beginning at page 25455 (Page 91 of the linked PDF). The federal economic

analysis found a net benefit from the new standard. However, there is not a state-by-state breakdown of economic impact.

LSA Response: The LSA concurs.

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Natural Resource Commission**ARC 2033C**

Rule Summary Amends the rules for the hunting season for waterfowl and coot. This includes the season dates, bag limits, possession limits, shooting hours, and areas open to hunting for the listed species. The proposed amendments adjust the season dates to comply with what the Department of Natural Resources (DNR) anticipates the 2015-2016 federal regulations will be based on meetings with the U.S. Fish and Wildlife Service (USFWS) this year at the Mississippi Flyway Council.

The seasons will open on the weekend and continue with a special September teal season that allows sixteen days of additional hunting for all species of teal. The zones and season dates provide different opening and closing dates for the duck season in each zone.

Agency Stated Authority: Iowa Code section 455A.5.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 2032C

Rule Summary Amends rules for the hunting season for snipe, Virginia Rail and Sora, woodcock, ruffed grouse, and dove. Includes the season dates, bag limits, possession limits, shooting hours, and areas open to hunting for the listed species. The amendment increases the possession limits for common snipe, Virginia Rail and Sora, woodcock, and doves, and is based on what the Department of Natural Resources estimates the possession limits will be for these species from meetings with the USFWS.

Agency Stated Authority: Iowa Code section 455A.5.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 2031C

Rule Summary Changes deer hunting regulations for residents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

Changes include:

- No changes to the antlerless deer quotas as the deer herd has stabilized.
- Allows the same kind of broadhead for use with crossbows during the late muzzleloader season as those allowed for archery equipment during the regular bow season.
- Allows medical doctors, doctors of osteopathy, physician assistants, and nurse practitioners to certify a qualifying condition on a disabled hunter license affidavit to allow these hunters more flexibility in meeting this requirement.

Agency Stated Authority: Iowa Code section 455A.5.

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Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Racing and Gaming Commission

ARC 2045C

Rule Summary Amends Chapter 7 to implement SF 2362 with regard to the Iowa Greyhound Pari-Mutuel Racing Fund. Enactment of SF 2362 permits casino (licensees) that operate pari-mutuel dog racing in Dubuque and Pottawattamie counties to phase out dog racing as a form of gambling but continue to operate other types of games of chance. The Act permitted live racing to cease on October 31, 2013, for licensees in Dubuque County, and on December 31, 2015, for licensees in Pottawattamie County.

Agency Stated Authority: Iowa Code sections 99D.7 and 99F.4.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: Though the adoption of the rules themselves is not estimated to have a fiscal impact, the implementation of SF 2362 is estimated to reduce revenue to the Rebuild Iowa Infrastructure Fund by \$27,500 in FY 2015, \$168,000 in FY 2016, and \$322,000 in FY 2017 and subsequent years.

SF 2362 is also estimated to reduce pari-mutuel tax revenue for Dubuque and Pottawattamie counties and the respective cities where the racetracks are located. Local revenue will be reduced by \$82,000 in Pottawattamie County and \$5,000 in Dubuque County in FY 2016. For further information, see the Fiscal Note associated with this topic.

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Department of Revenue

ARC 2047C

Rule Summary Moves existing Property Assessment Appeal Board (PAAB) rules into a new subchapter to allow for more efficient access for PAAB constituents with regards to appeals of property assessment claims. All appeals filed prior to January 21, 2015, will remain under the purview of the current rule until all such appeals are closed.

Agency Stated Authority: Iowa Code sections 17A.4 and 421.1A(4)“e”.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Department of Corrections

ARC 1990C

Rule Summary Amends Iowa Prison Industries (IPI) rules as follows:

- Updates routine matters such as addresses, hours of operation, location of product catalogs, etc.
- Permits products to be sold to contractors when the products will be sold to a public entity.

- Adopts by reference the provisions of the Department of Administrative Services (DAS) rules dealing with procurement of goods and services.
- Replaces a definitional term governing private sector employment of offender, and replaces a definitional term governing utilization of offender labor in construction and maintenance projects.

Agency Stated Authority: Iowa Code section 904.804.

Fiscal Impact

Agency Response: This rule change does not add costs; it merely clarifies that a general contractor can purchase IPI products on behalf of an authorized customer as outlined in Iowa Code section 904.815.

LSA Response: The LSA concurs.

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Department on Aging

ARC 2048C

Rule Summary

Adopts the following changes:

- Provides a current address for the Department's official website.
- Aligns the chapter with the Department's current organizational units and structure.
- Removes provisions duplicative of already existing Iowa Code, Iowa Administrative Code, and federal law.

Agency Stated Authority: Iowa Code section 231.23.

Fiscal Impact

Agency Response: No fiscal impact.

LSA Response: The LSA concurs.

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Department of Inspections and Appeals

ARC 2020C

Rule Summary

Clarifies the process to appoint a provisional administrator at a nursing facility when the facility is, through no fault of its own, unable to replace or lost its current full-time administrator. The proposed rules provide clarity in the process used to appoint administrators at long-term care facilities.

Agency Stated Authority: Iowa Code sections 135C.14 and 135C.36.

Fiscal Impact

Agency Response: No fiscal impact.

LSA Response: The LSA concurs.

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Iowa Finance Authority

ARC 2046C

Rule Summary

Updates implementation sentences and definitions related to the Iowa Main Street Loan Program to conform to the 2014 Iowa Acts, SF 2328 (Agricultural Development Division of Iowa Finance Act).

Agency Stated Authority: Iowa Code section 16.5(1)(r), 16.5C, and 17A.3(1)(b).

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Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Professional Licensure Division

Rule Summary Updates the category of “Hearing Aid Dispenser” to “Hearing Aid Specialist.” **ARC 2044C**

Agency Stated Authority: SF 274 (Department of Public Health Omnibus Act).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Department of Transportation (DOT)

Rule Summary Updates a reference to adopt amended Federal Motor Carrier Safety Regulations (FMCSR) and Hazardous Material Regulations (HMR). The effect of this rulemaking will be to adopt 28 separate federal rulemakings since October 1, 2012. **ARC 2019C**

Agency Stated Authority: Iowa Code sections 307.10, 307.12, 321.449, and 321.450.

Fiscal Impact **Agency Response:** Fiscal impact cannot be determined. Adopted federal regulations were subject to fiscal review by the Federal Motor Carrier Safety Administration or the Pipeline and Hazardous Material Safety Administration and determined to not be cost prohibitive.

LSA Response: The DOT does not anticipate additional expenditure for FTE positions or enforcement. Adoption of federal rulemakings may prevent reduced federal aid. The amount of federal aid that may be impacted is unknown.

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